

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO. CR16-0287JLR

Plaintiff,

V.

HECTOR CONTRERAS IBARRA.

ORDER GRANTING
DEFENDANT'S MOTION FOR
EXTENSION OF TIME

Defendant.

Before the court is *pro se* Defendant Hector Contreras Ibarra's untimely motion extension of time to file his reply to Plaintiff the United States of America's ("the Government") response (Resp. to Mot. to Correct (Dkt. # 910)) to Mr. Ibarra's motion to shorten his sentence under the All Writs Act, 28 U.S.C. § 1651 (Mot. to Correct (Dkt. # 911)). (Mot. to Extend (Dkt. # 912).) The court has considered the motion, all submissions filed in support of and in opposition to the motion, the relevant portions of the record, and the applicable law. Being fully advised, the court GRANTS Mr. Ibarra's motion.

1 On December 16, 2021, the court entered an order denying Mr. Ibarra's motion to
2 correct his sentence under the All Writs Act, 28 U.S.C. § 1651. (*See* 12/16/21 Order
3 (Dkt. # 911).) On December 20, 2021, the court received Mr. Ibarra's motion to extend
4 the time to file his reply to the Government's response. (*See generally* Mot. to Extend.)
5 In the instant motion, he seeks a 30-day extension of time to file his reply. (*See generally*
6 *id.*) He alleges that he needs the additional time to research and prepare his reply because
7 he only has two hours of access to the law library per week due to COVID-19 and is a
8 "lay-person of the law." (*See id.* at 1.) Mr. Ibarra also states that the requested 30-day
9 extension will not cause unnecessary delay in this proceeding. (*See id.*)

10 Federal Rule of Criminal Procedure 45(b) allows the court to extend the time to
11 file a brief "for good cause." Fed. R. Crim. P. 45(b)(1). Further, if the party does not file
12 the motion for an extension of time until after the time expires, the court must also find
13 that the party "failed to act because of excusable neglect." *See id.* Although his request
14 for an extension was untimely, given Mr. Ibarra's *pro se* status and limited access to the
15 law library, the court finds that his failure to request an extension sooner was excusable
16 neglect and "good cause" exists for his requested extension of 30 days. (*See generally*
17 Mot. to Extend; Dkt.)

18 Accordingly, the court GRANTS Mr. Ibarra's motion for an extension of time to
19 file his reply brief (Dkt. # 912) and ORDERS him to file his reply brief, if any, no later
20 than January 21, 2022. The court further DIRECTS the Clerk to strike its December 16,
21 2021 order denying Mr. Ibarra's motion to correct his sentence under the All Writs Act,

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1 28 U.S.C. § 1651 (Dkt. # 911) and re-note Mr. Ibarra's motion to correct his sentence
2 under the All Writs Act, 28 U.S.C. § 1651 (Dkt. # 908) for January 21, 2022.

3 Dated this 22nd day of December, 2021.

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7 JAMES L. ROBART
8 United States District Judge
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